

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ESTATE OF GUADALUPE GARCIA, by
and through Administrator of Estate;
ENGRACIA BRAVO GARCIA, an
individual; and CANDELARIO
MARTINEZ GARCIA, an individual;

Plaintiffs,
vs.

COUNTY OF TULARE, a governmental
entity; TULARE COUNTY SHERIFF'S
OFFICE, a public entity; SHERIFF MIKE
BOUDREAUX, an individual;
LIETUENANT MEGAN PINHEIRO, an
individual; DEPUTY JOSE RENTERIA,
an
individual; SERGEANT ORLANDO
DAVALOS, an individual; DEPUTY
ROGER WENZINGER, an individual;
DEPUTY SAL HINOJOS, an individual;
DETECTIVE HUMBERTO SANTOYO,
an
individual; and DOES 1-100, inclusive,

Defendants

Case No.: 1:23-cv-01178-KES-SKO

**ORDER OF DISMISSAL PURSUANT TO
FRCP 41(A)(1)(A)(II)**

(Doc. 47)

On February 28, 2025, the parties filed a "Stipulation of Dismissal of Defendant Emma Arellano," pursuant to Federal Rule of Civil Procedure 41(a). (Doc. 47.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). "The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice," and the dismissal "automatically terminates the action as to the defendants who are the subjects of the notice." *Wilson v. City of San Jose*, 111

1 F.3d 688, 692 (9th Cir. 1997).

2 Because the parties filed a stipulation of dismissal without prejudice under Rule 41(a), this
3 case has automatically terminated as to Defendant Emma Arellano. Fed. R. Civ. P. 41(a)(1)(A).
4 Accordingly, the Clerk of Court is directed to TERMINATE Defendant Emma Arellano.

5 This case shall remain OPEN pending resolution of Plaintiffs' case against the remaining
6 defendants.

7
8 IT IS SO ORDERED.

9 Dated: March 3, 2025

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE